



File No.: SP Minor LUB Amendments Project

DATE OF MEETING: February 2, 2024

TO: South Pender Island Local Trust Committee Kim

FROM: Stockdill, Island Planner  
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: South Pender Minor LUB Amendments Project

## RECOMMENDATION

1. That the South Pender Island Local Trust Committee refer the Trustee workshop summaries, Community Information Meeting minutes, and staff reports associated with the Minor Land Use Bylaw Amendment Project to the South Pender Advisory Planning Commission to evaluate potential Land use Bylaw amendments.

## REPORT SUMMARY

This report is intended to provide the South Pender Island LTC with a Frequently Asked Question (FAQ) document and to outline further options for community engagement for the Minor LUB Amendments Project.

## BACKGROUND

At the November 10, 2023 regular meeting, the South Pender LTC passed the following resolutions:

### SP-2023-045

**It was Moved and Seconded,**

that South Pender Island Local Trust Committee approve the Project Charter for the Land Use Bylaw Amendments project.

**CARRIED**

### SP-2023-046

**It was Moved and Seconded,**

that South Pender Island Local Trust Committee request staff to schedule two Community Information Meetings for the Minor Land Use Bylaw Amendment Project.

**CARRIED**

### SP-2023-047

**It was Moved and Seconded,**

that South Pender Island Local Trust Committee direct staff to prepare a notice advertising Trustee-hosted workshops on the Land Use Bylaw Review.

**CARRIED**

The South Pender LTC concluded at the November 10<sup>th</sup> meeting that the next step for the Minor LUB Amendments Project would be to schedule Trustee-lead workshops early in 2024 and to schedule Community Information Meetings (CIMs) thereafter. Comments gathered from these events would be then forwarded to the South Pender Island Advisory Planning Commission (APC) for further comment.

**ANALYSIS**

**Trustee Hosted Workshops**

Four community brainstorm workshops were scheduled in January 2024 hosted by Trustee Evans and Trustee Falck as the first phase of public engagement. The focus of the workshops was to facilitate discussion regarding setbacks and maximum house size for the project. These meetings were intended to generate and collect the community’s ideas and suggestions and forward them to the South Pender Island APC for deliberation. As Islands Trust staff nor a minute taker attended these four sessions, staff request that the Trustees summarize the discussions from these workshops and forward them to staff.

**Community Information Meetings**

At the November 10, 2024, the South Pender LTC gave direction to staff to schedule two CIMs for the second phase of public engagement. Further direction is required from the South Pender LTC regarding the two CIMs:

- CIM dates – Staff recommend scheduling the two meetings for early to middle of March 2024. The LTC should decide what days of the week the CIMs should be scheduled. For example, one on a weekday (Friday) and one on a weekend (Saturday).
- Attendance - Would the LTC like the two meetings to be both in-person, or have one CIM in-person and the other online via Zoom?
- Notification – Routinely CIM notices are circulated by email subscriber list, posted on the Islands Trust website, and posted to community notice boards. The LTC should give direction to staff if further options for notification are desired (for example, posting in the March 2024 edition of the Pender Post).
- Focused topics – Should the CIMs focus on specific topics, or are all LUB topics permitted to be discussed.
- Venue If a large turn-out is anticipated for the CIMs consider scheduling the meeting(s) at a larger venue. The LTC should provide direction to staff if the location of the meetings(s) should be on island at Poets Cove or on North Pender. Scheduling one meeting at Poets Cove (more expensive venue) is within the budget for this fiscal (excerpt from Project Charter):

<b>Budget</b>		
<b>Budget Sources:</b>		
<b>Fiscal</b>	<b>Item</b>	<b>Cost</b>
2023/24	Legal Opinion (optional)	\$2000
2023/24	APC Referral	\$500
2023/24	Public engagement (hall rental, advertising, minute taker, supplies)	\$2500

**Advisory Planning Commission**

The South Pender LTC indicated at the last LTC meeting that comments gathered from public engagement phase one and two should be sent to the APC for further deliberation. Additionally, the following framework was suggested for the APC to follow to evaluate the community input and the project topics (discussed below):

1. Identify potential reasons and goals for the amendment e.g. To preserve and protect the South Pender environment, or unique amenities.
2. Spell out details of how the reasons and goals are connected to the amendments and how exactly the amendments address the specific goals.
3. Evaluate if understanding of the goals for the amendments are shared goals or controversial to the constituents of South Pender.
4. If goals are controversial, should more discussion happen to attempt to reach more consensus.
5. If goals are shared, evaluate if amendments are successful in achieving the goals. The level of successfully achieving the goals should be scored e.g. 1-10.
6. If goals are shared and scored above 6 for achieving the goals, as compared to the pre-existing (114) Bylaw, consider recommending to keep the amendment.
7. If goals are shared but scored below 4, consider reverting to pre-existing Bylaw, or if a better avenue to achieve the goal is available, consider drafting a new amendment.

It is important to identify specific topics for the APC to focus their discussion and attention. As identified in the November 10, 2023 staff report, staff have outlined four major topics: setback from the natural boundary of the sea, height regulations for dwellings, total floor area and maximum floor area for dwellings, and side lot line setbacks for Rural Residential dwellings and cottages. The LTC should identify any other topics the APC should focus their deliberations on.

If the LTC feels as though the four topics would be too much work to give to the APC, a Special APC could be created for this project (Alternative No. 3). Staff would then create a Terms of Reference for the Special APC which would be circulated to the LTC for comment.

A formal referral will be sent to the South Pender APC in late March after the completion of the CIMs and the minutes from the CIMs are adopted by Resolution Without Meeting (RWM). After the February 2<sup>nd</sup> meeting, staff will informally send information on the project and minutes to date each APC member notifying them of the upcoming referral.

### **FAQ Document**

Staff have produced a frequently asked question document to answer questions regarding legal non-conforming and [Bylaw No. 122](#). The FAQ document can be found under Folder 6 "Other Information" for the Minor LUB Amendments Project on the [South Pender Project webpage](#).

### **Statutory Requirements**

In the first stage of the project (i.e. APC referrals and undertaking community engagement) there are no statutory requirements to consider. If at a later stage the LTC resolves to undertake a bylaw amendment, statutory notification requirements of the Local Government Act will need to be considered including appropriate agency and First Nation referrals, public hearing option and bylaw adoption procedures. Early engagement letters will also be sent out as the project proceeds.

### **Rationale for Recommendation**

Staff will work with the South Pender LTC to schedule two Community Information Meetings in March 2024. No resolution is required for this action as a resolution was provided at the November 10, 2023 LTC meeting to schedule the CIMs.

**ALTERNATIVES**

**1. Request further information**

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are potential delays to commencing and completing the project. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

*That the South Pender Island Local Trust Committee request that the staff provide further information regarding...*

**2. Request revisions to the draft project charter**

The LTC may request revisions to the draft project charter. If selecting this alternative, the LTC should describe the specific revisions needed and the rationale for this request. Recommended wording for the resolution is as follows:

*That the South Pender Island Local Trust Committee request that staff make the following revisions to the draft Project Charter for the Minor LUB Amendments Project:...*

**3. Creation of a Special Advisory Planning Commission**

The LTC may choose to create a Special Advisory Planning Commission:

*That the South Pender Island Local Trust Committee request staff to draft a Terms of Reference for the Special Advisory Planning Commission.*

**4. Receive for information**

The LTC may receive the report for information.

**NEXT STEPS**

Next steps include:

- Booking two Community Information Meetings for March 2024
- Send informal referral information to South Pender APC

Submitted By:	Kim Stockdill, Island Planner	January 25, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	January 25, 2024